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11 AMERICAN NATIONAL RED CROSS

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## STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Aleida Miranda and Defendant American National Red Cross (together, the “Parties”) as follows:

1. The instant case is new to the Court and was first removed to the Court on June 21, 2022;

2. On September 12, 2022, the Parties entered a stipulation agreeing to stay all formal discovery until thirty (30) days after the completion of a private mediation session (ECF No. 28);

3. On October 3, 2022, the Parties met and conferred via videoconference and further discussed the details of scheduling a private mediation;

4. Following the meet and confer, the Parties reserved a private mediation session with Steven Serratore, Esq. that is scheduled to occur on June 8, 2023;

5. On November 21, 2022, the Court is scheduled to hear Red Cross's pending Motion to Dismiss Plaintiff's Second Amended Complaint (ECF No. 30) and the Parties are currently scheduled to participate in an Initial Case Management Conference (ECF No. 31) on that same date;

6. The Parties agree that an Initial Case Management Conference in November 2022 is premature in light of the upcoming mediation with Mr. Serratore because any discovery and trial deadlines will be impacted by a resolution of the entire matter at mediation:

7. The Parties agree to postpone the Initial Case Management Conference, submission of an Initial Joint Case Management Statement, and exchange of initial disclosures until thirty (30) days after the completion of a private mediation:

8. The Parties agree that continuing the Motion to Dismiss hearing and Initial Case Management Conference to at least forty-five (45) days after the mediation with Mr. Serratore will avoid the burden of resetting any discovery and trial deadlines in the above-captioned matter.

9. The Parties agree that postponing these deadlines will preserve the resources of the Parties and the Court:

10. Depending on the outcome of the mediation, the Parties agree to file an Initial Joint Case Management Statement or a notice to the Court that the Parties have settled the entirety of the matter at mediation, no later than two (2) weeks before the continued Motion hearing and Initial Case

1 Management Conference date; and

2       11. The Court has independently reset the date the of the Initial Case Management  
3 Conference on two separate occasions (ECF Nos. 27 and 31). However, this is the Parties' first request  
4 to continue the Initial Case Management Conference.

5 **IT IS SO STIPULATED.**

6 DATED: November 2, 2022

LAWYERS FOR JUSTICE, P.C.

7 By: /s/Travis J. Maher

8                   Edwin Aiwasian  
9                   Tara Zabehi  
10                  Travis J. Maher  
11                  Attorneys for Plaintiff  
12                  ALEIDA MIRANDA

13 DATED: November 2, 2022

14 CONSTANGY, BROOKS, SMITH & PROPHETE LLP

15 By: /s/Barbara I. Antonucci<sup>1</sup>

16                  Steven B. Katz  
17                  Barbara I. Antonucci  
18                  Nathan K. Norimoto  
19                  Attorneys for Defendant  
20                  AMERICAN NATIONAL RED CROSS

21                  **ORDER AS MODIFIED**

22       The Court GRANTS the above stipulation to CONTINUE the Initial Case Management  
23 Conference. However, with respect to the motion to dismiss, the Court HEREBY STRIKES the motion  
24 to dismiss without prejudice to refiling if this case does not resolve through the mediation. The Case  
25 Management Conference is CONTINUED to July 24, 2023. By no later than July 17, 2023, the parties  
26 shall file their joint case management statement if they have not already resolved and dismissed this  
27 case.

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<sup>1</sup> Pursuant to Local Rule 5-1(h)(3), I attest that all signatories listed, and on whose behalf this filing is submitted, concur in this filing's contents and have authorized this filing.

1           The deadline for exchanging initial disclosures is CONTINUED to July 10, 2023.  
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3           **IT IS SO ORDERED.**  
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Dated: November 2, 2022

  
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UNITED STATES MAGISTRATE JUDGE  
HON. SALLIE KIM

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